

The Commonwealth of Massachusetts
PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION
John W. McCormack Building, Room 1101
Boston, Massachusetts 02108
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POLICY NO: 97 - 003

Executive Sessions

The Public Employee Retirement Administration Commission (Commission) must perform its oversight and management of affairs in an efficient and effective manner compliant with Commonwealth laws, regulations and generally accepted operating procedures consistent with the public purpose for the Commission's creation. The Commission therefor establishes this policy to further its efforts in providing the appropriate level of authority and responsibility over the staff and issues coming before it.

The Commission recognizes that there will be times where the Commission must deal with a sensitive issue that must be discussed away from direct public exposure. While these occurrences will be the exception, the Commission in accordance with G.L. c.30A hereby establishes this procedure to formalize the process it will use in these situations.

No executive session shall be held until the governmental body has first convened in an open session for which notice has been given.

- * A majority of the members is recorded in attendance and entered in the minutes of the open meeting.
- * The vote of each member is recorded and entered in the minutes of the open meeting.
- * The Chair of the Commission must cite the purpose for the executive session.
- * The Chair of the Commission must state before the executive session whether the Commission will reconvene in open session after the executive session.

Executive sessions may be held only for the following purposes:

- 1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual to be discussed in such executive session has been notified in writing by the governmental body, at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. The governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
 - a) to be present at such executive session during discussions or considerations which involve that individual.
 - b) to have counsel or a representative of his own choosing present and attending for the purpose of advising said individual and not for the purpose of active participation in said executive session.
 - c) to speak in his own behalf.
- 2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session has been notified in writing by the governmental body at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. The governmental body shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the rights outlined in (1) above.
- 3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the governmental body, and to conduct collective bargaining sessions.
- 4) To discuss the deployment of security personnel or devices.
- 5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.

- 6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation.
- 7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

A record or minutes of executive sessions shall also be maintained. The records of an executive session may remain secret as long as publication may defeat the lawful purposes of the executive session, but no longer.

No votes taken in executive session or open session shall be by secret ballot.

All votes taken in executive sessions shall be recorded and shall become a part of the record of the executive session.

Adopted at Commission meeting on May 27, 1997.